

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA

v.

File No. 1:19-cr-00041

PHILIP GORDON PAAUWE,

Defendant.

/

Hearing  
Before

THE HONORABLE RAY KENT  
United States Magistrate Judge  
June 4, 2019

APPEARANCES

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None	

  

<u>EXHIBITS:</u>	<u>IDENTIFIED</u>
None	

1 Grand Rapids, Michigan

2 Tuesday, June 4, 2019 - 2:10 p.m.

3 THE COURT: This is 19-cr-41, United States  
4 versus Philip Gordon Paauwe. Am I pronouncing your name  
5 correctly?

6 MR. PAAUWE: Yes, your Honor.

7 THE COURT: Mr. Reust appears on behalf of the  
8 United States, Mr. Borgula on behalf of Mr. Paauwe.

9 Mr. Paauwe, we're here this afternoon because Mr. Borgula  
10 tells me that you've decided to change your plea from not  
11 guilty to guilty pursuant to the terms of a written plea  
12 agreement; is that right?

13 MR. PAAUWE: That is correct, your Honor.

14 THE COURT: Mr. Paauwe, remind me how far you  
15 got in school.

16 MR. PAAUWE: I have a bachelor's degree from  
17 Grand Valley State University, your Honor.

18 THE COURT: All right. Do you have any physical  
19 or mental disability that would make it difficult for you  
20 to understand what the charge is you're pleading guilty to,  
21 the contents of your plea agreement, or what's happening  
22 here in the courtroom?

23 MR. PAAUWE: No, your Honor.

24 THE COURT: In the last 24 hours have you had  
25 any drugs, alcohol, or medicine?

1 MR. PAAUWE: A glass of champagne.

2 THE COURT: All right.

3 MR. PAAUWE: Oh, and prescription medication.

4 Prozac, 40 milligrams.

5 THE COURT: Okay. Do you feel like your mind is  
6 clear as you're sitting here now?

7 MR. PAAUWE: Yes, sir.

8 THE COURT: Mr. Borgula, is Mr. Paauwe competent  
9 to proceed?

10 MR. BORGULA: Yes, he is, your Honor.

11 THE COURT: Mr. Reust, do you agree?

12 MR. REUST: Yes, your Honor.

13 THE COURT: Mr. Paauwe, you do have the right to  
14 remain silent even now. If we go forward with your plea  
15 hearing, however, I'll be asking you a series of questions.  
16 In answering those questions you'll be giving up both the  
17 right to remain silent and also the presumption of  
18 innocence because some of my questions will go to the issue  
19 of your guilt. Moreover, before I ask you those questions,  
20 I'm going to have you placed under oath to tell the truth.  
21 If you were then to answer any of my questions falsely, you  
22 could be charged with new crimes, including perjury or  
23 making a false statement, which carry their own separate  
24 penalties. Do you understand all of that?

25 MR. PAAUWE: I do, your Honor.

1 THE COURT: Do you still wish to go forward?

2 MR. PAAUWE: I do, your Honor.

3 THE COURT: If you would, sir, stand and raise  
4 your right hand. I'm going to have you sworn to tell the  
5 truth.

6 THE COURTROOM DEPUTY: Do you swear or affirm  
7 that the testimony you are about to give relevant to this  
8 cause now pending before the Court is the truth, the whole  
9 truth, and nothing but the truth so help you God?

10 MR. PAAUWE: I do.

11 PHILIP GORDON PAAUWE,  
12 sworn by the courtroom deputy at 2:12 p.m.,  
13 testified upon his oath as follows.

14 THE COURTROOM DEPUTY: You may be seated.

15 THE COURT: Mr. Paauwe, you have the right to  
16 have this hearing held before Judge Paul Maloney. Judge  
17 Maloney's the trial judge assigned to your case and the  
18 judge who will sentence you if your plea of guilty is  
19 accepted. Judge Maloney is a United States district judge.  
20 He was appointed for life by President Bush. I'm a United  
21 States magistrate judge. I was not appointed by a  
22 president. I don't have lifetime tenure. My job  
23 essentially is to assist Judge Maloney in the discharge of  
24 his responsibilities. Unlike Judge Maloney, I can't accept  
25 your plea agreement, accept your guilty plea, or find you

1 guilty. What I can do is ask you the questions that Judge  
2 Maloney would ask if he were here, advise you of your  
3 rights as he would, and then prepare a written report to  
4 him recommending that he either accept or reject your plea  
5 agreement and accept or reject your plea. Do you  
6 understand the difference between Judge Maloney and me?

7 MR. PAAUWE: Yes, your Honor.

8 THE COURT: Do you understand you have the right  
9 to have this hearing before Judge Maloney?

10 MR. PAAUWE: Yes, your Honor.

11 THE COURT: We're going to project up on the  
12 screen now a form which appears to contain your written  
13 decision to consent to my handling of the hearing in place  
14 of Judge Maloney. Is that your signature near the bottom  
15 of the form?

16 MR. PAAUWE: Yes, it is, your Honor.

17 THE COURT: Did you read and understand the form  
18 before you signed it?

19 MR. PAAUWE: Yes, I did, your Honor.

20 THE COURT: Did anybody threaten you, coerce  
21 you, or promise you anything to get you to consent to my  
22 handling of the hearing?

23 MR. PAAUWE: No, your Honor.

24 THE COURT: Was that a freewill and voluntary  
25 decision by you?

1 MR. PAAUWE: It was, your Honor.

2 THE COURT: Mr. Reust, does the government  
3 consent to my handling of the hearing?

4 MR. REUST: Yes, your Honor. And I've signed  
5 the form as well.

6 THE COURT: All right. Mr. Borgula, do you?

7 MR. BORGULA: Yes, your Honor.

8 THE COURT: All right, well, I accept your  
9 consent, Mr. Paauwe, and we'll proceed with the hearing. I  
10 remind you of your right to a lawyer. You've hired  
11 Mr. Borgula to represent you. That's absolutely fine. As  
12 I told you before, if at any time you were unable to afford  
13 to continue him, you just ask me and I'll appoint a lawyer  
14 if you qualify. Do you understand that?

15 MR. PAAUWE: Yes, your Honor.

16 THE COURT: Have you been satisfied with the  
17 work that Mr. Borgula and his firm has done on your behalf  
18 so far?

19 MR. PAAUWE: I have, your Honor.

20 THE COURT: Mr. Paauwe, you do, still, even now  
21 have the right to persist in your plea of not guilty. At  
22 least at this moment you remain presumed innocent of these  
23 charges. The government still has the burden of proving  
24 you guilty beyond a reasonable doubt on each and every  
25 element of those charges. That would occur at a speedy and

1                   public trial before twelve jurors drawn from the community.

2                   At trial you would have the right through Mr. Borgula to  
3                   confront and cross-examine the government's witnesses, to  
4                   call your own witnesses and have the Court order them to  
5                   appear and testify. You would have the right to present  
6                   other evidence which you believe demonstrates you're not  
7                   guilty of these charges.

8                   And finally, you would have the right to either  
9                   take the witness stand and testify in your own defense, or  
10                  remain silent and not have your silence used against you in  
11                  any way. If we go forward with your guilty plea hearing,  
12                  however, you'll be giving up the right to a trial, there  
13                  won't be a trial of any kind, and you'll also be giving up  
14                  all of the rights that I've just described, except the  
15                  right to continue to be represented by Mr. Borgula. Do you  
16                  understand all of that?

17                  MR. PAAUWE: Yes, I do, your Honor.

18                  THE COURT: Do you still wish to go forward?

19                  MR. PAAUWE: I do, your Honor.

20                  THE COURT: It's my understanding that under the  
21                  terms of the plea agreement you'll be pleading guilty to  
22                  Count 1 of the indictment. Count 1 charges you with  
23                  coercion and enticement of a minor. The government claims  
24                  that between September 26, 2017 and January 4, 2019, in  
25                  Kent County, using your Apple iPhone 7, you enticed a 17

1 year old girl to send images and videos of herself engaged  
2 in sexually explicit conduct. Do you understand what  
3 you're charged with in Count 1?

4 MR. PAAUWE: I do, your Honor.

5 THE COURT: If Judge Maloney accepts your guilty  
6 plea on that count, there are penalties that apply. Judge  
7 Maloney would have to sentence you to a minimum sentence of  
8 at least ten years in prison and a maximum sentence up to  
9 life in prison, a fine of up to \$250,000, supervised  
10 release of at least five years, and up to lifetime  
11 supervised release. Do you know what supervised release  
12 is?

13 MR. PAAUWE: I'm assuming it is something  
14 similar to probation, your Honor.

15 THE COURT: It's similar in the sense that you  
16 would be under the supervision of Judge Maloney.  
17 Supervised release does not begin until a defendant is  
18 released from serving any prison term. So if you're  
19 sentenced to prison, which you must be in this case, when  
20 you get out you'll be placed on supervised release, Judge  
21 Maloney will impose conditions on you, things like, you  
22 know, you not commit any federal, state, or local crime,  
23 you register, as you will be required to, as a sex  
24 offender, you may be -- seek and maintain a job,  
25 counseling, drug treatment, whatever Judge Maloney thinks

1                   is appropriate for you. But the important thing for our  
2                   purposes today is that you understand that if you violate  
3                   any of those conditions, Judge Maloney can send you back to  
4                   prison for all or any part of that supervised release term.  
5                   Do you understand now?

6                   MR. PAAUWE: I do, your Honor.

7                   THE COURT: All right. There is also two  
8                   special assessments, one in the amount of 100, one in the  
9                   amount of \$5,000. You'll be ordered to pay restitution, so  
10                  if this -- if the victim in this Count 1 required, oh, like  
11                  medical treatment or psychological counseling or, you know,  
12                  anything of that nature that was necessitated by your  
13                  conduct, you will be ordered to compensate her the cost of  
14                  that. Finally, you will be required to register as a sex  
15                  offender for the rest of your life. Do you understand the  
16                  penalties?

17                  MR. PAAUWE: I do, your Honor.

18                  THE COURT: If you went to trial on this charge,  
19                  Count 1, there are certain things the government would have  
20                  to prove. First, that you knowingly persuaded, induced,  
21                  enticed, or coerced an individual under the age of 18 to  
22                  engage in unlawful sexual activity; two, that you used a  
23                  means or facility of interstate or foreign commerce to do  
24                  so, and three, you knew the individual was under 18. I'm  
25                  going to ask Mr. Reust now to briefly summarize the

1 evidence the government would offer if you went to trial on  
2 Count 1. Please listen carefully. I'll have a couple  
3 questions for you when he's finished. Mr. Reust.

4 MR. REUST: Thank you, your Honor.

5 If this case were to go to trial, the government  
6 would call Special Agent, or sorry, Task Force Officer  
7 Siemens, who is seated to my left, who would indicate that  
8 on October 31st, 2018, he posted an advertisement on  
9 Whisper, which is a social media site. Mr. Paauwe reached  
10 out to him believing that Agent Siemens was the mother of a  
11 13 year old girl. Mr. Paauwe indicated that he wanted to  
12 engage in sexual relations with the daughter of persona,  
13 the 13 year old girl. And on January 4th, 2019,  
14 TFO Siemens and another task force officer, Stasiak, went  
15 to Mr. Paauwe's home and interviewed him.

16 He consented to the search of some of his  
17 digital devices, specifically his iPhone. When they  
18 reviewed his iPhone, they found images of a girl that  
19 appeared to be a minor that would constitute child  
20 pornography. They were of her genital area, and her father  
21 eventually contacted them and indicated that the victim,  
22 who would go by the initials of G.L., reported and was  
23 subsequently interviewed and indicated that she first was  
24 contacted by Mr. Paauwe or had communications with  
25 Mr. Paauwe when she was 15 years old, that their

1 conversation quickly turned sexual. He requested she take  
2 and send him nude photographs of herself, which she did,  
3 and the search of the phone uncovered several of those  
4 photographs. And the communications between the two were  
5 ongoing between September of 2017 and until agents went to  
6 his house in January of 2019.

7 THE COURT: Thank you, Mr. Reust.

8 Mr. Paauwe, you heard Mr. Reust's description of  
9 the evidence the government would offer if he went to trial  
10 on Count 1? Yes?

11 MR. PAAUWE: Yes, I did, your Honor.

12 THE COURT: Do you agree that the government  
13 would be able to produce the evidence that he described?

14 MR. PAAUWE: I do believe so, your Honor.

15 THE COURT: And do you also agree that that  
16 evidence would be sufficient to convict you?

17 MR. PAAUWE: I do believe so, your Honor.

18 THE COURT: I'm going to talk to you now about  
19 some sentencing related issues. Under the Sentencing  
20 Reform Act of 1984, an organization called the United  
21 States Sentencing Commission issued advisory sentencing  
22 guidelines for judges like Judge Maloney to consider when  
23 formulating a sentence in a criminal case. Have you talked  
24 to Mr. Borgula about these guidelines and how they might  
25 apply to you?

1 MR. PAAUWE: Yes, I have, your Honor.

2 THE COURT: Do you understand that the most  
3 Mr. Borgula can do today is give you his best estimate of  
4 what your guideline range may be and what your sentence may  
5 be?

6 MR. PAAUWE: Yes, your Honor.

7 THE COURT: Do you understand that there's  
8 nobody on the face of the earth who can tell you with  
9 certainty today, not Mr. Borgula, not Mr. Reust, not me,  
10 not even Judge Maloney, by the way, if he was sitting here,  
11 can tell you precisely what your guideline range will be or  
12 what your sentence will be?

13 MR. PAAUWE: I do understand that, your Honor.

14 THE COURT: Do you understand Judge Maloney  
15 won't even be able to determine what guideline range you  
16 fall into until after a presentence report has been  
17 prepared?

18 MR. PAAUWE: Yes, your Honor.

19 THE COURT: Do you further understand that even  
20 after Judge Maloney determines what guideline range does  
21 apply to you, he has the discretion of sentencing you  
22 within that range, above the range or below the range?

23 MR. PAAUWE: Yes, your Honor.

24 THE COURT: Do you understand that if the  
25 sentence Judge Maloney gives you is more severe than what

1 you're expecting as you sit here today, you'll still be  
2 bound by your guilty plea and you will not be able to  
3 withdraw it?

4 MR. PAAUWE: I do understand, your Honor.

5 THE COURT: Mr. Borgula, is there any kind of  
6 cooperation clause in this case?

7 MR. BORGULA: No, your Honor.

8 THE COURT: Mr. Paauwe, you understand that  
9 parole has been abolished in the federal system, and if  
10 Judge Maloney sends you to prison, you will not be released  
11 on parole?

12 MR. PAAUWE: Yes, your Honor.

13 THE COURT: Mr. Borgula, is Mr. Paauwe presently  
14 on parole, probation, or bond in any other case?

15 MR. BORGULA: He is not. But he's on bond, your  
16 Honor.

17 THE COURT: In this case.

18 MR. BORGULA: In this case.

19 THE COURT: Okay. But not -- no other case?

20 MR. BORGULA: Correct.

21 THE COURT: Okay. Mr. Paauwe, do you understand  
22 the government may have the right to appeal your sentence?

23 MR. PAAUWE: Yes, your Honor.

24 THE COURT: Do you believe you understand the  
25 nature of the charge in Count 1, the penalties provided by

1 law for that charge, and your rights as I've explained them  
2 to you?

3 MR. PAAUWE: I do, your Honor.

4 THE COURT: Understanding all of those things,  
5 how do you plead to the charge in Count 1?

6 MR. PAAUWE: I plead guilty.

7 THE COURT: Was your decision to plead guilty  
8 the result of force, threats, or coercion?

9 MR. PAAUWE: No, your Honor.

10 THE COURT: Was at least one of the reasons that  
11 you decided to plead guilty here this afternoon the fact  
12 that the government has promised that if you in fact plead  
13 guilty to Count 1, the government will dismiss all the  
14 other charges against you?

15 MR. PAAUWE: Uh-huh.

16 THE COURT: Was your decision to plead guilty a  
17 freewill and voluntary act by you?

18 MR. PAAUWE: Yes, it was, your Honor.

19 THE COURT: Are you pleading guilty because you  
20 are in fact guilty?

21 MR. PAAUWE: That is correct. Yes, your Honor.

22 THE COURT: Has anybody promised you anything to  
23 get you to plead guilty here today that is not contained in  
24 the written plea agreement?

25 MR. PAAUWE: No, your Honor.

1                   THE COURT: Mr. Reust, are you aware of any such  
2 promises?

3                   MR. REUST: There are none, your Honor.

4                   THE COURT: Mr. Borgula?

5                   MR. BORGULA: I'm unaware of any other promises,  
6 your Honor.

7                   THE COURT: Mr. Paauwe, have you read the entire  
8 plea agreement?

9                   MR. PAAUWE: Yes, I have, your Honor.

10                  THE COURT: Do you understand the entire plea  
11 agreement?

12                  MR. PAAUWE: I do, your Honor.

13                  THE COURT: Do you agree with the entire plea  
14 agreement?

15                  MR. PAAUWE: Yes, your Honor.

16                  THE COURT: Do you agree to be bound by the  
17 entire plea agreement?

18                  MR. PAAUWE: I do, your Honor.

19                  THE COURT: Have you discussed both the plea  
20 agreement and your decision to plead guilty pursuant to it  
21 with Mr. Borgula before today?

22                  MR. PAAUWE: I have, your Honor.

23                  THE COURT: Was he able to answer any questions  
24 you had about either one of those decisions?

25                  MR. PAAUWE: He has, your Honor.

1 THE COURT: Do you feel like you've had  
2 sufficient time to consider this very important decision  
3 that you're making here today?

4 MR. PAAUWE: I do, your Honor.

5 THE COURT: I'm going to go through the plea  
6 agreement with you now.

9 MR. BORGULA: Yes, your Honor.

10 THE COURT: I'm going to do it paragraph by  
11 paragraph. In paragraph one you agree to plead guilty to  
12 Count 1. Paragraph two lays out the elements, we've  
13 discussed those. Paragraph three, the penalties, we've  
14 covered those. Paragraph four, restitution, we've talked  
15 about that. Paragraph five, supervised release, we've  
16 covered that. Paragraph six covers asset forfeiture.  
17 You're agreeing to turn all right, title, and interest in  
18 the iPhone over to the government. Do you understand that?

19 MR. PAAUWE: Yes, your Honor.

THE COURT: Paragraph seven, the factual basis  
of guilt we'll come back to. Paragraph eight contains the  
government's promise to dismiss the other charges against  
you if you plead guilty to Count 1. Paragraph B contains  
another promise by the government to move for an additional  
one level reduction in your guideline range because you

1 have permitted the government to avoid preparing for trial  
2 by your guilty plea. Paragraph nine covers the sentencing  
3 guidelines. We've discussed those. Paragraph 10 says  
4 there's no agreement about what your guideline range is.  
5 It really doesn't matter, because even if there was an  
6 agreement, it would be up to Judge Maloney to decide  
7 anyway. Paragraph 11 contains a waiver of your  
8 constitutional rights at trial. We've covered those.

9 Paragraph 12 covers your waiver of some other  
10 rights, including rights to attack your conviction or  
11 sentence after it's over, whether by appeal or collateral  
12 attack. There's two exceptions carved out. The paragraph  
13 lists six, but four of those you can't waive in any  
14 event, so I'm not going to talk to you about those. But  
15 the two you could have waived but are retaining are number  
16 three, if Judge Maloney incorrectly determines your  
17 guideline range and if Mr. Borgula objects to that, and  
18 number four, if Judge Maloney sentences above the guideline  
19 range and unreasonable.

20 Paragraph 14, for what seems like the count -- I  
21 don't know how many times I have to say this now, but  
22 paragraph 14 is void as against public policy. I will  
23 recommend that Judge Maloney reject paragraph 14. The  
24 government cannot coerce surrender of a valid claim that a  
25 prosecution has been vexatious, frivolous, or in bad faith

1 for the purpose of extorting a plea from a defendant, and  
2 for that reason, the so-called Hyde waiver is void. I'll  
3 recommend that he not accept it. Of course it's up to him  
4 to decide what to do about that.

5 Paragraph 15 is very important. It recites the  
6 fact that Judge Maloney is not a party to this agreement  
7 and not bound by any part of it. You understand that,  
8 right, Mr. Paauwe?

9 MR. PAAUWE: I do, your Honor.

10 THE COURT: Paragraph 18 recites the fact that  
11 you must register as a sex offender as a result of this  
12 conviction. We've talked about that.

13 Mr. Reust, anything -- any other portions of the  
14 plea agreement you wish to place into the record?

15 MR. REUST: No, your Honor, thank you.

16 THE COURT: Mr. Borgula, any portions you wish  
17 to place in the record?

18 MR. BORGULA: No, your Honor.

19 THE COURT: All right, Mr. Paauwe, if you would,  
20 please, turn to paragraph seven. I have got a couple  
21 questions for you about paragraph seven. My first question  
22 is this: Is every statement contained in paragraph seven  
23 true?

24 MR. PAAUWE: Yes, your Honor.

25 THE COURT: Do you agree with every statement

1 contained in paragraph seven?

2 MR. PAAUWE: Yes, your Honor.

3 THE COURT: Do you agree to be bound by every  
4 statement in paragraph seven?

5 MR. PAAUWE: Yes, your Honor.

6 THE COURT: Do you agree to be sentenced at  
7 least in part based upon the statements made in paragraph  
8 seven?

9 MR. PAAUWE: Yes, your Honor.

10 THE COURT: Mr. Reust, are the statements  
11 contained in paragraph seven sufficient to support the  
12 plea?

13 MR. REUST: They are, your Honor.

14 THE COURT: Mr. Borgula, do you agree?

15 MR. BORGULA: I agree, your Honor.

16 THE COURT: Mr. Paauwe, I find your plea is made  
17 knowingly and with full understanding of each of the rights  
18 that I explained to you, that it's made voluntarily and  
19 free from any force, threats, or promises other than the  
20 promises contained in the written plea agreement. I find  
21 that you understand the nature of the charge in Count 1,  
22 the penalties provided by law for that charge, and that  
23 your plea has a sufficient factual basis to support it,  
24 specifically the agreed-upon or stipulated facts contained  
25 in paragraph seven of the plea agreement. I defer

1 acceptance of the plea agreement and your plea to Judge  
2 Maloney. Those are his decisions to make, not mine, but I  
3 will prepare a written report today recommending that he  
4 accept both your plea agreement and your plea, and that he  
5 find you guilty. I'm going to order that a presentence  
6 investigation commence and that a presentence report be  
7 prepared.

8 The next thing likely to happen in your case  
9 will be a presentence interview. A probation officer will  
10 sit down with you, Mr. Borgula, or one of the lawyers that  
11 he works with will be there. The probation officer will  
12 ask you a whole series of questions about your childhood,  
13 your family, your upbringing, your education, your health  
14 history, work history, substance abuse history, criminal  
15 history if you have any. In using that and other  
16 information, we'll prepare a report for Judge Maloney. You  
17 and Mr. Borgula will get a copy of that report at least a  
18 month before you're sentenced. Again, Mr. Borgula will sit  
19 down with you, go through it all carefully. If there are  
20 things that you or both of you disagree with, for example  
21 the officer's scoring of your guidelines, Mr. Borgula will  
22 speak with the officer and attempt to work out any issues.  
23 If issues remain, Judge Maloney will decide those before he  
24 sentences you. That is likely to take place in late  
25 September or early October, would be my best guess. It's

1 running about four months between plea and sentencing right  
2 now.

3 Mr. Reust, what's the government's position on  
4 continued bond for Mr. Paauwe?

5 MR. REUST: Government does seek Mr. Paauwe's  
6 bond. It did at the initial -- initial hearing, which was  
7 held before Judge Carmody. I think she considered it a  
8 close call and ultimately let him out based on the  
9 presumption of innocence. And I understand that he still  
10 has that, but he's at least proffered a factual basis that  
11 would support a guilty plea here.

12 THE COURT: Has there been -- have there been  
13 any issues while he's been on bond?

14 MR. REUST: My understanding is there have not.

15 THE COURT: All right. I'm going to --

16 Mr. Borgula, do you wish to be heard on this issue?

17 MR. BORGULA: There have been no issues on bond,  
18 your Honor. He's been a model citizen. He's prepared for  
19 either outcome today, whether to go in or stay out.

20 THE COURT: All right. I'm going to take the  
21 matter under advisement. I want to talk to Pretrial  
22 Services, get their input, and then I will let the lawyers  
23 know what my decision is. Probably won't be today when I  
24 decide though, so.

25 Anything else we should take up here today,

1 Mr. Reust?

2 MR. REUST: No, your Honor, thank you.

3 THE COURT: Anything from you, Mr. Borgula?

4 MR. BORGULA: No, your Honor. Thank you.

5 THE COURT: Mr. Paauwe, did you understand  
6 everything that happened in court here this afternoon?

7 MR. PAAUWE: I did, your Honor.

8 THE COURT: Do you have any questions for me?

9 MR. PAAUWE: I do not, your Honor.

10 THE COURT: All right. Now I'm leaving you on  
11 bond at least, you know, it will be at least overnight. It  
12 could be longer, I don't know. And ultimately I'm not  
13 committing what my decision will be. I might order you  
14 taken into custody, but understand how critically  
15 important, I mean when you walk through the doors of that  
16 courtroom you were still presumed innocent. That no longer  
17 applies. You haven't been found guilty, because I don't  
18 have the power to do that, but you at least have tendered a  
19 plea and laid a factual basis that would support the  
20 acceptance of a guilty plea. I'm sure you're hoping that  
21 Judge Maloney will accept the agreement contained in the  
22 written plea agreement that the government be allowed to  
23 dismiss all the other charges against you. I'm sure you're  
24 hoping that Judge Maloney will, you know, give you the  
25 lowest sentence that he believes is appropriate under the

1       circumstances of your case. I'm sure you're hoping to get  
2       the extra one point reduction from the government for your  
3       timely guilty plea. Understand this, if you were to  
4       violate your bond in any way, I think you have to believe  
5       that all of those things go out the window.

6 MR. PAAUWE: Yes, your Honor.

12 MR. PAAUWE: Understood, your Honor.

13 THE COURT: Okay? Okay. All right, any  
14 questions for me, Mr. Paauwe, before we adjourn?

15 MR. PAAUWE: No, your Honor, thank you.

16 THE COURT: Good luck to you. We're adjourned.

17 (At 2:36 p.m., proceedings concluded.)

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CERTIFICATE OF REPORTER

STATE OF MICHIGAN )  
                      )  
                      ) ss.  
COUNTY OF KENT     )

I, Bonnie L. Rozema, CER, do hereby certify that this transcript, consisting of 25 pages, is a complete, true, and accurate transcript, to the best of my ability from the audio recordings, of the proceedings and testimony held in this case on June 4, 2019.

I do further certify that I prepared the foregoing transcript.

/s/   Bonnie L. Rozema

Bonnie L. Rozema, CER-5571  
2700 92nd Street, S.W.  
Byron Center, MI 49315  
(616) 878-9091

Notary Public in and for  
Kent County, Michigan  
My commission expires:  
March 26, 2025  
Acting in the County of Kent